

HAMPTON PLANNING BOARD – MINUTES
JUNE 1, 2005 – 7:00 PM

PRESENT: Tracy Emerick, Chairman
Keith Lessard
Fran McMahon, Clerk
Cliff Pratt, Selectman Member
Tom Higgins
Tom Gillick
Robert Viviano
Mark Fougere, Interim Town Planner
ABSENT: John Harwood, Town Planner

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members. Mr. Viviano led the Pledge of Allegiance to the flag.

Chairman Emerick then announced that the applicant requested that the first agenda item be rescheduled to the June 15th meeting:

Condominium Conversion at
13 Highland Avenue
Map 282, Lot 56
Waivers from Subdivision Regulation Section V.E. (Detailed Plan)
Owner of Record Michael & Colleen Petullo

The Chairman then announced that the applicant had requested that the following two items be rescheduled to the July 20th meeting:

- 1) Drakes Appleton Corporation
Site Plan Review to construct **36-unit Townhouse** condominiums at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust
Waiver Requested: Site Plan Regulations Section VII.D.2 (increase in storm water runoff)
Jurisdiction accepted March 3, 2004, extended by applicant
Tabled from meeting of May 4, 2005 and continued from meeting of May 18, 2005
- 1a) Drakes Appleton Corporation
Special Permit to work within the Wetlands District, associated with 36-unit
Townhouse at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of Record: Morgan Ryan Realty Trust
Tabled from meeting of May 4, 2005 and continued from meeting of May 18, 2005

MOVED by Mr. Viviano to grant the requests.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

NEW PUBLIC HEARINGS

1. Dynamic Solutions, Inc.
Special Permit to construct and modify existing building within the Wetlands
Conservation District at
31 Harbor Road
Map 295, Lot 62
Owner of Record: Jane Gallagher

Shawn Gallagher presented for the applicant. He described the project, consisting of raising the elevation of the structure 10 feet.

Mr. Fougere stated the height of the building is a ZBA issue, which will need to be addressed when a building permit is applied for.

Mr. Gallagher stated the height will be 35 feet. He stated there will be no new plantings. Floor drains will be eliminated. They will be relocating the water line into the Harbor Road area around the property. In response to a Board question, he indicated that the existing fence will stay.

There will be an increase in square footage to the structure but no increase in square footage impact on the wetland buffer.

Mr. Higgins asked if the dock had been approved. Mr. Gallagher said the dock was permitted. Mr. Higgins also asked if the existing deck was a permitted deck. Mr. Gallagher didn't know. Mr. Higgins recalls there was an issue with the deck in the past.

Mr. Gillick asked if deck was to be demolished. Mr. Gallagher said no, it is to remain.

Mr. McMahon asked for clarification of the proposed changes to the water lines. Mr. Gallagher described his plan.

Mr. Lessard asked why the new configuration was not shown on the plan. Mr. Gallagher said this was a recent change. Mr. Lessard felt that the water line redesign should be reflected on the plans before the Board.

In response to a question from the Board, Mr. Gallagher indicated that there are 2 stories now and the project will make it 3 floors. There will also be some interior reconstruction.

PUBLIC

No Comments

BOARD

Mr. Lessard asked if there is parking for the second unit. There are 2 outside spaces and a 1-bay garage for each unit. The plans show a 2-bay garage. Mr. Gallagher said this was a future garage that is not currently to be constructed. Mr. Lessard said that it needed to be removed from the plan before the plan can be approved.

Mr. Gillick asked, as a point of order, if discussion could be limited to the special permit presented.

Mr. Lessard said the Board needed to find out if deck reflected on the plans was permitted.

Mr. Fougere recommended that any new plantings be approved and that the floor drains be removed. He also stated that the plans for the change in the water mains be shared with the abutter who is affected. He also indicated that the fence should remain as is.

MOVED by Mr. Gillick to approve subject to the following conditions:

- The proposed future garage is removed from the plans.
- The existing deck is determined to be an approved deck.
- Any new plantings are approved before installation
- Floor drains are to be removed.
- Changes to the water main are to be added to the plans and are to be discussed with the affected abutter.
- The fence will remain as it is currently.
- The foundation will not be any deeper than the original foundation.
- There will be monumentation at 50-foot intervals along the wetland boundaries
- Wetlands Conservation District markers will be used along the wetland buffer at the owner's expense.
- The driveways will be of a permeable surface.
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete.
- The buffer should remain undisturbed to the degree possible in the process of construction. No additional fill is allowed. No change in elevation is allowed using existing fill.
- Prior to issuance of a Certificate of Occupancy, spot elevation grades shall be submitted.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before an Occupancy Permit is issued.

SECOND by Mr. Pratt

VOTE: 6-1-0

MOTION PASSED

2. John B. Nyhan, The Victoria Inn
Special Permit to construct a fence within the Wetlands Conservation District at
430 High Street
Map 166, Lot 6/7

Owner of Record: John & Pamela Nyhan

John Nyhan, Co-Owner, presented his application. He indicated he was granted a use variance from the Zoning Board of Adjustment last year. A condition of the variance was that he put up a fence. The Conservation Commission approved a 105-foot fence. About 20% of the fence will be in the wetland buffer. That is the reason for his request.

BOARD

No questions

PUBLIC

Francis Futon, attorney, representing abutter Ken Sakurai, indicated the abutter objected to the location of the fence.

He provided ZBA minutes from their meeting of August 26, 2004 to the Board members. He called their attention to the following from those minutes:

- Page 4 – Mr. Sakurai had requested that conditions be put on the ZBA's vote, specifically that an 8-foot sound barrier fence be constructed along the northerly section of the property, behind the pavilion.
- Page 5 – The motion to grant the petition contained a condition that a fence be constructed on the northerly side of the property with the proper approvals.

The attorney indicated that the proposal presented tonight was for a fence on the northwesterly side of the property. He compared the two locations. The fence was to act as a visual and sound barrier for functions at the Inn, and he stated that he believed the fencing proposed did not accomplish that purpose.

At a request from the Board, the attorney described the two property lines involved. As a point of order, he believes a site plan review is also needed on the basis that construction of the fence is an expansion of a commercial facility.

Mr. Nyhan stated that it was his intent to put up a fence between the boundary lines of his and the abutter's property. He believes the ZBA intent in its condition was to separate the properties.

Mr. Higgins questioned why anyone would want to put a fence in the middle of his property. Mr. Gillick asked if it was possible that two separate fences are being discussed. The ZBA decision appeared to refer to a different fence from what is proposed in this special permit.

Mr. Pratt said this was not a Special Permit issue. If the fence doesn't comply with the ZBA condition, it becomes a ZBA issue.

Mr. Nyhan said it was his impression from the ZBA that they wanted a fence between the two properties.

Mr. Sakurai's attorney stated that an old site plan was used at the ZBA meeting, and the Zoning Board relied on an old property line on that plan that is "northerly" in direction.

Mr. Viviano asked if there was any issue with putting the fence on his own property.

Chairman Emerick said what is before us is simply to install fence within the wetland buffer.

MOVED by Mr. Pratt to grant the Special Permit with stipulations from the Conservation Commission as follows:

- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer, or in the wetlands.
- Per the State Shoreland Protection Act, no more than 50% of the trees shall be cut within a 20-year period.
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not to be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than that shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before occupancy permit is issued.

SECOND by Mr. Gillick

VOTE: 7-0-0

MOTION PASSED

3. Northern Utilities

Special Permit to replace an existing natural gas line within the Wetlands Conservation District at

Route 1 A

Map 295-299

Owner of Record: State of New Hampshire

Bob Prokop, Wetland Consulting Services, represented Northern Utilities for this application. There is a 5-foot intrusion into the wetland buffer. He described the existing gas line and the future gas line. The area impacted is primarily lawn. One new line is to be installed; it will be backfilled and reseeded. The old pipe will be abandoned as is.

BOARD

No Questions

PUBLIC

No Comments

MOVED by Mr. Lessard to grant the Special Permit with the following conditions:

- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer, or in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete.
- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not to be changed. No additional fill is allowed. No change in elevation is allowed using existing fill.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before occupancy permit is issued.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

4. Richard A. and Ruth Bley
Condominium Conversion at
8 Summerwood Drive
Map 119, Lot 1-4 (A and B)
Waivers from Subdivision Regulation Section V.E. (Detailed Plan)
Owner of Record: Same as above

Richard Bley, Owner, and Peter Saari, Attorney, presented this application. Mr. Saari said the reason for this application is that an “as-built” was required.

BOARD

Mr. Pratt asked if the existing well or the proposed well would be used. Mr. Bley clarified that they were different lots.

Mr. Lessard asked that parking be designated on the plans.

PUBLIC

No Comments

BOARD

MOVED by Mr. Lessard to grant the waivers from Subdivision Regulation Section V.E:

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Lessard to grant the Condominium Conversion with the following conditions:

- Correction of plans to show designated parking places
- Revised plans required
- Mylar and recording fees required

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

5. Jean Boudreau, Trustee, Concord Realty Trust
Condominium Conversion at
18 Ocean Boulevard and 1 Dover Avenue
Map 296, Lot 108 and 131
Waivers from Subdivision Regulation Section V.E. (Detailed Plan) and VII.D (Storm Drainage)
Owner of Record: Dominique Perreault Revocable Trust

Ernie Cote, Engineer, and Stephen Ells, Attorney, presented this application. Ms. Jean Boudreau, option holder, was also present.

Mr. Ells said this is an existing 38-unit motel, with owner’s quarters, on 3 separate lots. The use and structures will remain the same. The only change will be to a condominium form of

ownership. He noted that Mr. Cote had provided the Planning Board with an updated set of site plans today.

BOARD

Mr. Lessard asked if the owners would rent their units. Mr. Ells said the owners would be able to rent their units. Mr. Lessard asked if there would be an on-site rental agent. Mr. Ells said there would be an office for rental activity. The floor plans will show the rental office as common area. The owner's quarters will be sold as a unit, but it will exclude the rental office, which is now a part of the owner's quarters.

Mr. Lessard asked about the rental length of stay. Mr. Ells said nothing has been discussed with respect to lengths of stay. Mr. Ells stated that there are year-round Certificates of Occupancy on all units.

Mr. Higgins asked about the parking spaces. There will be 13 owners without parking. It appears that 3 of the parking spaces appearing on the plan are in a fire zone. Mr. Higgins asked how certain parkers would enter the building. Mr. Cote said that they would walk around to the entrance.

Mr. Fougere said that, in 1978, the Planning Board approved a site plan for a 20-unit addition with 47 spaces of valet parking. That is the plan of record. The Dover Avenue (parking) lot is a valet parking site.

Mr. Gillick asked if the plan, as presented, shows what exists presently. Mr. Cote said that it does. Mr. Gillick asked the applicant to confirm that this is a simple change in ownership.

Mr. Viviano stated that condominium owners would expect to have a parking space with the unit purchase.

Mr. Higgins said he cannot approve a conversion where 14 units are without parking. That is not proper planning.

Mr. Fougere said that Article 6 of the Zoning Ordinance requires one space per sleeping unit plus one additional space per 16 units.

Mr. Fougere said there is a plan of record approved by the Planning Board.

Mr. McMahon said spaces 19-22 are for compact cars and therefore not legal sized spaces.

Mr. Ells stated that they are simply changing form of ownership without changing use.

Mr. Lessard is concerned that there is an existing site plan that is not being used. The 'as-is' is not what is being proposed.

Mr. Fougere

Mr. Gillick asked if applicant is aware of the fact that there is an existing approved site plan on property. Mr. Ells said no. He then suggested that the applicant go back and work with site plan that has legal status. He suggested postponing further discussion until agreement is reached on

what site plan is to be discussed. He believes proposal cannot be approved because it would be a site plan amendment.

Mr. Fougere said this is a different situation because the property had received fairly recent approval for a site plan, addition etc.

PUBLIC

No Comments

BOARD

MOVED by Mr. Gillick to postpone hearing to a date certain of June 15th for review by Town Counsel.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

6. Robert S. & Carol A. Pilat
Special Permit to correct a drainage problem within the Wetlands Conservation District at
2 Huckleberry Lane
Map 98, Lot 11
Owner of Record: Same as above

Mike Parsont, New Hampshire Soils Consultants, presented the application. Mr. Parsont described the project. The problem results from the installation of a sewer line by an abutter, resulting in a drainage problem for the applicant. This resulted in a court case where it was decided by the court that the applicant could re-grade to correct the problem.

BOARD

Mr. Higgins noted that two properties were involved in the grading. Mr. Parsont confirmed that the grading would carry over to the abutter's lot up to the berm where the sewer line was put in.

Mr. Higgins believes the application needs to be amended to show the abutter's property. The abutter is located at 51 Wild Rose Lane.

Mr. Lessard asked about the trees on the abutter's property. Mr. Parsont said his intent was to re-grade without harming any existing vegetation.

Mr. Lessard said it seems that there would be fill against existing planting.

Mr. Lessard asked if they were going to cover the iron pipe. Mr. Parsont said 6-8 inches of material would be covering the pipes/pins, but they can still be found by metal detectors.

Mr. Lessard asked if granite markers would be appropriate in this situation. It is his opinion that property lines should not be covered.

PUBLIC

Mary _____, attorney representing Steven Brigandi, 51 Wild Rose Lane, said this abutter does not oppose the application. They do ask that there be granite markers if the existing markers are to be covered. They are also concerned about fill that might harm the existing trees. The grading should not disturb her client's property.

Henry Stonie, 1050 Ocean Boulevard, asked presenter to clarify certain points on the site plan. He then commented that he does not want to see permission given for flow/drainage from a private lot to another private lot.

BOARD

Chairman Emerick referred the Board to the Conservation Commission letter regarding this application.

Mr. Lessard asked if silt fence would be in place. Mr. Parsont clarified that it would.

MOVED by Mr. Lessard to grant special permit to 2 Huckleberry Lane and 51 Wild Rose Lane subject to the following conditions:

- The boundary markers should remain above ground, and should be granite markers on the property being graded where there are corners and changes in direction
- No grading to be done around the trees
- Lawn care must flow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer, nor in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is completed.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than what is shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before occupancy permit is issued.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

7. Hampton River Marina, LLC
Special Permit to place underground utilities within the Wetlands Conservation District at
55 Harbor Road
Map 295, Lot 1
Owner of Record: Hampton River Marina, LLC

Mr. Coronati Coronati, Jones & Beach Engineers, and Len Russell, General Manager of the Marina, presented this application. They want to capture a grant from the State to place two sewer pump- outs on the docks and an underground cable for all of the docks (for cable TV and internet access). Mr. Coronati said that a marine engineering organization would be performing the work, since it is highly specialized.

Mr. Coronati indicated where the sewer would be tied into the Town sewer. The applicant will need to amend its Wetland Permit to do this work.

BOARD

Mr. Viviano asked if the docks were going to be year-round as compared to when the plan was originally approved. Mr. Higgins said it was represented to the Board at that time that the outside docks come out of the water every year. Mr. Russell said the docks stay in the water year-round.

Mr. Gillick asked, as a point of order, for clarification of the application before the Board.

Mr. Higgins asked what would prevent public boats from dropping off their sewerage to be fed into the Hampton sewer system. Mr. Russell said a condition of the grant is to provide public access to the pump out station. There is currently a portable pump out capability available.

Mr. Coronati suggested that if this was approved, they could meet with DPW to discuss the increased sewerage.

Mr. Viviano questioned if site plan review would be needed since they are expanding sewer service.

Mr. Fougere said this action is amending the plan. The environment will be the benefactor of this project, since the sewerage will not be dumped into the harbor. Mr. Gillick stated that the Town has always been a supporter of New Hampshire Estuaries project.

Mr. Coronati said the Hampton Marina project plans still don't have final approval. The final plans will have this sewer work added to them.

Mr. Lessard said once a permit is granted, it might do other things. He asked for clarification of how this system would work. Mr. Russell said this system was just installed in Portland, Maine and is used along the entire East coast. It is designed to operate year-round.

Mr. McMahon said the Conservation Commission letter states the applicant agreed to postpone the decision on the application until the Conservation Commission's meeting on June 28th to resolve any issues that they had.

PUBLIC

No Comments

BOARD

Mr. Lessard stated that if the application were approved, it should be conditioned on Department of Public Works approval.

Mr. McMahon said it is important to know if DPW would require metering and whether they would allow hookup at all. Mr. Coronati and Mr. Russell stated there is a new portable unit, also as part of the grant, on the outside docks that will also go into the town sewer.

Mr. Gillick asked if we could have a copy of the grant application. He hoped the grant people would oversee their requirements.

MOVED by Mr. Lessard to grant the Special Permit subject to the following conditions:

- Conservation Commission review approval

- DPW review and approval
- Grant application requirements met
- DES requirements met

SECOND by Mr. Pratt

VOTE: 7-0-0

MOTION PASSED

8. Thomas Glavin
Special Permit to impact the Wetland Conservation District at
66 & 68 Island Path
Map 282, Lot 1
Owner of Record: Same as Above

Thomas Glavin, Owner, presented his application. He said he has had significant erosion on property and is looking to mitigate any further damage to his properties. He would like to remove an old shed on the property. He wants to put a retention wall as an anchor to hold the soil. He tried to design it so that it would be compatible with the area. There will be some fill on his property to replace what has eroded away. He wants to plant some vegetation to hold the soil better. The project has been designed to have minimal impact on the wetland. He said it would be a rock and filter fabric footing wall. The filter fabric is to retain the soil during tidal outflow.

In response to Chairman Emerick's question, he said plans to replace the shed but put it closer to the road.

Mr. Lessard asked what species of plant was to be used. It will be beach plums and bayberries.

Mr. Lessard said bayberry might be on the list of invasive plants. This should be double checked before being used.

Mr. Higgins asked if a State Department of Environmental Services permit is required. Mr. Glavin said that they have filed for a special permit from the State.

PUBLIC

No Comment

BOARD

Mr. Fougere said that, based on Conservation Commission recommendations, the wall should be moved a foot. Mr. Glavin said he objected to that.

MOVED by Mr. Lessard to grant the Special Permit subject to the following conditions:

- DES Inspector approval
- Work is no closer to the marsh than as stated in the application
- Shed is moved to as close to the road as possible.
- Marsh is restored in the location of the old shed
- Monumentation at 50-foot intervals along the wetland boundaries.
- Permeable surface driveway
- Lawn care must follow the guidelines set forth in the Shoreland Protection Act. Grass clippings will not be placed in the buffer, nor in the wetlands.
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is completed.

- The buffer should remain undisturbed to the degree possible in the process of construction and elevations not be changed.
- Prior to c/o spot elevation grades shall be submitted.
- There are to be no additional structures such as sheds, swimming pools, gazebos, patios or other sealed surface in the buffer, other than what is shown on the plan. A new Special Permit is required for the erection of any structure in the buffer.
- The Conservation Commission will be notified in writing upon commencement and completion of the project and before an occupancy permit is issued.

SECOND by Mr. Viviano

VOTE: 7-0-0

9. Seven-O- Nine Ocean Blvd. Realty Trust
Site Plan Review at
437 Winnacunnet Road
Map 221, Lot 11
Owner of Record: Same as Above

Peter Saari, Attorney, Joe Coronati, Jones & Beach Engineers, and Shannon Alther, TMS Architects, presented this application.

Mr. Coronati said this project is located next to a subdivision recently approved. It is in the RB zone and is just less than 2 acres in size. It now has a 3-unit house. There is a sewer easement on the property. They want to switch the design to have the driveway on the other side, pushing it away from the wetland buffer. What is proposed is an 11-unit condominium. It has received 4 variances (parking, setback, density) from the Zoning Board of Adjustment. All parking spaces except for four will be located inside the building.

Mr. Alther described the proposed structure.

BOARD

Chairman Emerick asked how the roof would be accessed. Mr. Alther said this has not been worked out yet. There will be a hatch or stairs that will go all the way up.

Mr. Pratt asked for a clarification of the recreation area. Mr. Coronati explained the specifics of the back of the lot.

Mr. McMahon asked about the existing abutting building. He asked dimensions of structure as compared to other houses depicted in the presentation.

PUBLIC

No Comments

BOARD

Mr. Fougere stated that a wetland scientist should stamp the plan; ZBA approval should also be noted on the plan, A retaining wall needs a fence for safety. The recreation area shouldn't disrupt the wetland.

MOVED by Mr. Higgins to accept jurisdiction to a date certain of July 20th, the application to be sent out for departmental review.

SECOND by Mr. Viviano

VOTE: 7-0-0

MOTION PASSED

11. Three LG, LLC

Special Permit to temporarily impact the Wetland Conservation District at
143 Winnacunnet Road
Map 176 Lot 24
Owner of Record: Same as above

Mr. Joe Coronati, Jones & Beach Engineers, presented this application.

PUBLIC

Deborah Cullen, 149 Winnacunnet Road, asked where drainage would go on the site and who would be responsible for maintaining the drainage.

Mr. Coronati said they are trying to output to an upland area to not impact the wetland. He indicated owners would need to maintain it.

Ms. Cullen said the current ditch on property has not been maintained and it is now draining onto her property. She is concerned about maintenance of the drainage pathways in this plan.

Mr. Coronati suggested this is an issue that can be taken up with the Conservation Commission.

BOARD

MOVED by Mr. Pratt to table this application to the July 6th meeting to marry the Special Permit to the other applications associated with this project.

SECOND by Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

12. 6 Ashworth Avenue, LLC

Condominium Conversion at

6 Ashworth Avenue

Map 282, Lots 27 and 40

Waivers requested: Subdivision Regulation Section V.E. (Detailed Plan)

Continued from meeting of May 25, 2005

Craig Salomon, Attorney, and Joe Coronati, Jones & Beach Engineers, presented this application. Mr. Salomon presented a letter to the Board from an abutter.

He indicated that there are now 41 parking spaces and they are identified on the plan.

Mr. Higgins stated he asked that the underneath spots be shown as true dimensions. Mr. Coronati said these parking spaces are 15 feet long.

Mr. Lessard asked if the kitchens depicted are in the proposed floor plan, rather than an existing floor plan. The kitchen layout proposed was discussed.

Mr. Higgins asked for clarification of the limited length of stay. Mr. Salomon said that the 89-day limit meets the definition of transient. At the 90-day mark it becomes a dwelling unit.

Mr. Lessard asked how Unit G-1 was described.

PUBLIC

No Comments

BOARD

Mr. Fougere said that the Building Department has a maximum occupancy load of 192 guests for the property and that is not going to change. There is also a maximum load specified for each unit.

Mr. Fougere suggested the addition noted that there are existing nonconformities and that each owner should get notice of these nonconformities prior to sale. He also noted that each unit should obtain an Occupancy Certificate from the Building Inspector prior to sale.

Mr. Higgins asked who was not getting a parking space.

Mr. Salomon clarified there are 43 units and 41 parking spaces. He said the ground floor units would not get designated parking spaces. They will park on a space available basis.

Mr. Gillick said there is a note on the plan saying there are 43 parking spaces. Mr. Salomon said this needs to be corrected on the plan.

Chairman Emerick suggested that it would be better if some of the units were combined to make fewer units and, thereby, have an adequate number of parking places.

Mr. Salomon asked for a moment to consult with his client. He then said that if the Board made it a condition of approval he would revise the plan to make two 2-room suites. This would result in 41 units, and there would be a parking space for each unit.

MOVED by Mr. Gillick to grant the condominium conversion for 41 condominium motel units, each with a parking space, plus one managers unit and the commercial space specified in the plan (store and Laundromat), subject to the following conditions:

- The survey should be stamped.
- The parking lot entrance drive should be modified to reflect the curb cut plans proposed by the Town.
- Note number 2 on Sheet C1 and Note 1 Sheet C2 should be modified to clearly note that the intent of the plan is to convert the existing hotel into hotel condominiums and that these units will not be considered primary residential units.
- One residential housing unit is allowed.
- Status of the Laundromat to be clarified to indicate whether it will become a condominium unit or serve as an amenity of the hotel.
- Draft condominium documents shall be submitted, reviewed and approved by the Town Attorney prior to the plan being recorded.
- Clarify survey differences with the Town's survey consultant.
- Add a note that the plan will meet RSA 356-B-20.

- Add certified floor plans to the plan set and note which parking spaces will be allocated to which units.
- Each unit should obtain an Occupancy Certificate from the Building Inspector prior to sale.
- Add a note to plans that there are existing nonconformities and that each owner should get notice of these nonconformities prior to sale.

SECOND by Mr. Pratt

Mr. McMahon asked for further clarification of the motion

VOTE: 6-1-0

MOTION PASSED

II. ATTENDING TO BE HEARD

Michelle Lozuaway
Use Change at
8 Merrill Industrial Drive
Map 142, Lot 5
Owner of Record: Tom Moulton/Fairview Nominee Trust

Michelle Lozuaway, presented her application to establish a pub/restaurant for lunch and dinner. The space was previously an office and is now empty. In response to a Board question, she indicated there would be a limited menu and beer and wine.

Mr. Lessard asked for hours of operation. She responded that it would be for lunch and dinner. Closing time would be whatever the law allows.

Mr. Lessard asked if there was any restriction from the landlord. Mr. Lozuaway said there was not.

Mr. Gillick asked if the applicant had applied for a license from the state. The applicant indicated she believed Planning Board was the first step. If approved she intends to apply for the license next.

Mr. Emerick asked about parking. Ms. Lozuaway indicated there was adequate parking available.

MOVED by Mr. Gillick to grant the use change.

SECOND by Lessard

VOTE: 7-0-0

MOTION PASSED

III. CONSIDERATION OF MINUTES of May 18, 2005 and May 25, 2005

Consideration of minutes postponed to the next meeting.

IV. CORRESPONDENCE

Letter from Lincolnshire Realty to extend their site plan project for one year.

MOVED by Mr. Pratt to grant the extension.

7/7/2005

SECOND by Mr. Lessard

VOTE: 5-2-0

MOTION PASSED

V. OTHER BUSINESS

Mr. Kopka asked if a bond amount could be approved at \$85295.

MOVED by Mr. Pratt to approve.

SECOND by Mr. Higgins

VOTE: 7-0-0

MOTION PASSED

MOVED by Mr. Pratt to adjourn.

SECOND by Mr. Lessard

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 10:32 PM.

Respectfully Submitted,
Barbara Renaud
Acting Planning Board Secretary